

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
KATSUHITO YOSHIO ET AL.) : Examiner: W. Sajous
Application No.: 10/633,036) : Art Unit: 2628
Filed: August 4, 2003) : Conf. No.: 4700
For: IMAGE PROCESSING)
METHOD, IMAGE)
PROCESSING APPARATUS,)
STORAGE MEDIUM AND)
PROGRAM) : March 28, 2007

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION

Sir:

In response to the Office Action of December 28, 2006, Applicants submit the following remarks.

This application has been reviewed in light of that Office Action. Claims 1-10 remain presented for examination, of which Claims 1 and 8-10 are in independent form. Favorable reconsideration is respectfully requested.

In that Office Action, Claims 1, 4, 6 and 8-10 were rejected under 35 U.S.C. § 103(a) as being obvious from U.S. Patent 6,701,011 (Nakajima) in view of U.S. Patent Application Pub. 2002/0118210 (Yuasa et al.), and Claims 2, 3 and 5, as being obvious

from those two documents in view of U.S. Patent Application Pub. 2004/0001107 (Russon).

Initially, Applicants note that they do not have a clear understanding of the Examiner's interpretation of *Yuasa*. On one hand, the Examiner appears in his comments in the first line of page 4 to be relying simply on the practice of indicating an arbitrary location in a color space, which the Examiner asserts is notoriously well-known. On the other hand, his reference to *Yuasa* gives the impression that he believes that the designation in the *Yuasa* device of a point in a displayed image in area 12a, followed by measurement of the color at that point and storage of the measured information, together with the statement in paragraph [0087] of that document that it is also possible, if desired, simply to measure the color information for each pixel in the image. This specific citation of *Yuasa* suggests that the Examiner believes that this process of measuring the color information for each pixel in a displayed image somehow corresponds to displaying a color space and selecting a position in the space (i.e., a specific color), which Applicants do not agree to be true.

First, Applicants do not accept or agree with the assertion that it is well known to display an entire color space, or a large part of a color space, and select a processing parameter by designation a particular location in the displayed space. Accordingly, it is requested that the Office, if it maintains this view, provide Applicants with a citation of prior art to support the assertion.^{1/} *Yuasa* in Applicants' view does not suffice for that purpose, since at least the cited portions of that document appear to describe

^{1/} Alternatively, of course, an affidavit by the Examiner would suffice if he is making this assertion on the basis of information known personally to him.

only the user designating a particular location or pixel in an image for measurement by colorimetry, not selection or designation of a particular location in a displayed color space.

For at least that reason, withdrawal of the rejection of Claim 1 is respectfully requested.

Moreover, even if the Examiner's assertion is correct, and even if one of ordinary skill would be motivated to make the proposed modification of *Nakajima*, the result would be a display of an entire color space with a number of thumbnails displayed at particular locations thereof, showing the results of processing that would be obtained if the color at the respective location in color space is selected. That is, multiple thumbnails will be shown, unlike in the method of Claim 1.

Moreover, Applicants also believe the alternative interpretation of the Examiner's argument leads to the conclusion that the rejection is incorrect. For the reason already mentioned, Applicants do not agree that *Yuasa* provides any suggestion to designate arbitrary positions in a displayed color space to control processing, since what is designated is a location in a displayed image to be processed, not a displayed color space.

For this reason, also, Applicants respectfully submit that Claim is allowable over the art cited against it.

Independent Claims 8-10 are apparatus, computer memory medium and program claims, respectively, corresponding to method Claim 1, and are believed to be patentable for at least the same reasons as discussed above in connection with Claim 1.

A review of the other art of record, including *Russon*, has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as a reference against the independent claims herein (even assuming for argument's sake that *Russon* could properly be used in combination with *Nakajima*; for the reasons set

out in Applicants' previous Amendment, this point is not conceded). Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from independent Claim 1, and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing remarks, Applicants respectfully request favorable reconsideration and allowance of the present application.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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